UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1996/NGO/31
26 March 1996

ENGLISH ONLY

COMMISSION ON HUMAN RIGHTS
Fifty-second session
Item 9 (d) of the provisional agenda

# FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

## HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS

Written statement submitted by the International Human Rights Law Group, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[7 March 1996]

1. Since the appointment of the Representative of the Secretary-General on internally displaced persons in 1992, the number of persons displaced within their own countries has grown steadily, giving new urgency to the need for increased assistance to, and protection of, the internally displaced. Despite limited resources, the Representative has been effective in drawing global attention to and raising awareness of the critical, often life-threatening challenges facing internally displaced persons, through, inter alia, country visits, and his annual reports to the General Assembly and Commission on Human Rights.

2. The Representative's mandate has included the important task of developing a compilation and analysis of existing international legal standards in order to evaluate their adequacy in providing protection and assistance to internally displaced persons, the majority of whom are children and women. The International Human Rights Law Group, at the request of the Representative, assisted in the preparation of the Compilation and Analysis of Legal Norms (E/CN.4/1996/52/Add.2) that is now before the Commission.

3. The Compilation and Analysis was prepared in consultation with a broad range of specialists in the field of human rights and humanitarian affairs, including representatives of the Department of Humanitarian Affairs, the Office of the United Nations High Commissioner for Refugees, the United Nations Centre for Human Rights, the International Committee of the Red Cross, and the International Organization for Migration. Representatives of governments, regional human rights bodies and NGOs also participated in these consultative meetings.

4. The purpose of the Compilation and Analysis was to determine whether existing international norms specifically human rights and humanitarian law, and refugee law, where appropriate, adequately address the needs of internally displaced persons. The Compilation and Analysis identifies more than 20 areas in which the law provides either insufficient protection for internally displaced persons or where there are clear gaps in the law. It concludes that a clear set of standards tailored to the protection and assistance needs of internally displaced persons would enhance the legal protection for the estimated 30 million internally displaced persons around the world.

5. In the light of the insufficiencies and gaps in existing law, the International Human Rights Law Group recommends that a body of principles or a declaration be drafted to apply existing general principles to the specific situation of internally displaced persons and to address the gaps in the law. Such an internationally agreed upon instrument would provide minimum guarantees for internally displaced persons that should be respected by States and non-governmental actors alike. Thus, it would provide a legal framework that would guide governments, intergovernmental and non-governmental humanitarian organizations and other relevant actors in their actions on behalf of the internally displaced. As the Secretary-General's Representative on internally displaced persons has observed, such a body of principles or a declaration would also strengthen his ability to carry out his mandate, in particular in his dialogues with governments and other actors in countries affected by internal displacement.

6. The International Human Rights Law Group therefore requests the Commission on Human Rights to endorse the development of a legal framework that includes the drafting of a body of principles or a declaration that specifically protects and assists internally displaced persons.

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